

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

This Document Relates to:

Bea Chanhthakoummane O.B.O. T.S.

Member Case No.: 4:22-cv-06454

**MASTER SHORT-FORM COMPLAINT AND
DEMAND FOR JURY TRIAL**

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against the Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations, claims, and relief sought in *Plaintiffs' Master Complaint (Personal Injury)* ("Master Complaint") as it relates to the named Defendants (checked-off below), filed in *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL No. 3047 in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No. 7.

As necessary herein, Plaintiff(s) may include: (a) additional Causes of Action and supporting allegations against Defendants, as set forth in paragraph 11 in additional sheets attached hereto; and/or (b) additional claims and allegations against other Defendants not listed in the *Master Complaint*, as set forth in paragraph 7 (see n. 18) and may attach additional sheets hereto.

Plaintiff(s) indicate by checking boxes below the Parties and Causes of Actions specific to Plaintiff(s)' case.

Plaintiff(s), by and through their undersigned counsel, allege as follows:

I. DESIGNATED FORUM

1. *For Direct Filed Cases:* Identify the Federal District Court in which the Plaintiff(s) would have filed in the absence of direct filing:

2. *For Transferred Cases:* Identify the Federal District Court in which the Plaintiff(s) originally filed and the date of filing:

Western District of Missouri on September 22, 2022; Case No.: 4:22-cv-00605.

II. IDENTIFICATION OF PARTIES

A. PLAINTIFF

3. *Plaintiff:* Name of the individual injured due to use of Defendant(s)' social media products:

Bea Chanhthakoummane O.B.O. T.S.

4. Age at time of filing: Fifteen years old

5. City(ies) and state(s) where Plaintiff primarily used Defendants' platforms:

Blue Springs, Missouri; Kansas City, Missouri

6. Last Name and State of Residence of *Guardian Ad Litem*, if applicable:

Chanhthakoummane; a resident of Missouri

7. Name of the individual(s) that allege damages for loss of society or consortium (*Consortium Plaintiff(s)*) and their relationship to Plaintiff, if applicable:

8. *Survival and/or Wrongful Death Claims, if applicable:*

- (a) Name of decedent and state of residence at time of death:

- (b) Date of decedent's death:

- (c) Name and capacity (*i.e.* executor, administrator, etc.) of Plaintiff(s) bringing claim for decedent's wrongful death:

9. At the time of the filing of this *Short-Form Complaint*, Plaintiff(s) are residents and citizens of *[Indicate State]*:
Missouri

B. DEFENDANT(S)

10. Plaintiff(s) name(s) the following Defendants in this action *[Check all that apply]*:

META ENTITIES

- ☒ META PLATFORMS, INC.,
formerly known as Facebook, Inc.
☒ INSTAGRAM, LLC
☒ FACEBOOK PAYMENTS, INC.
☒ SICULUS, INC.
☒ FACEBOOK OPERATIONS, LLC

TIKTOK ENTITIES

- ☒ BYTEDANCE, LTD
☒ BYTEDANCE, INC
☒ TIKTOK, LTD.
☒ TIKTOK, LLC.
☒ TIKTOK, INC.

SNAP ENTITY

- ☒ SNAP INC.

GOOGLE ENTITIES

- ☒ GOOGLE LLC
☒ YOUTUBE, LLC

OTHER DEFENDANTS

For each “Other Defendant” Plaintiff(s) contend(s) are additional parties and are liable or responsible for Plaintiff(s) damages alleged herein, Plaintiffs must identify by name each Defendant and its citizenship, and Plaintiff(s) must plead the specific facts supporting any claim against each “Other Defendant” in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

| | NAME | CITIZENSHIP |
|---|------|-------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

C. **PRODUCT USE**

11. Plaintiff used the following Social Media Products that substantially contributed to their injury/ies (check all that apply, and identify approximate dates of use, to the best of Plaintiff's recollection):

☒ FACEBOOK

Approximate dates of use: 2018 to May 2022

☒ INSTAGRAM

Approximate dates of use: 2017 to May 2022

☒ SNAPCHAT

Approximate dates of use: 2016 to May 2022

☒ TIKTOK

Approximate dates of use: 2019 to May 2022

☒ YOUTUBE

Approximate dates of use: 2015 to Present

☐ OTHER:

| Social Media Product(s) Used | Approximate Dates of Use |
|------------------------------|--------------------------|
| | |
| | |
| | |
| | |

D. PERSONAL INJURY¹

12. Plaintiff(s) experienced the following personal injury/ies alleged to have been caused by Defendant(s)' Social Media Products [*Check all that apply*]:

☒ **ADDICTION/COMPULSIVE USE**

☒ **EATING DISORDER**

☐ Anorexia

☐ Bulimia

☐ Binge Eating

☒ Other: Body Dysmorphia

☒ **DEPRESSION**

☒ **ANXIETY**

☒ **SELF-HARM**

☒ Suicidality

☐ Attempted Suicide

☐ Death by Suicide

☒ Other Self-Harm: Cuttting

☒ **CHILD SEX ABUSE**

☐ **CSAM VIOLATIONS**

☐ **OTHER PHYSICAL INJURIES (SPECIFY):**

¹ Plaintiff(s) must check-off all injuries allegedly caused by Plaintiff's use of Defendant(s)' Social Media Products. Plaintiff is not required to plead here emotional or psychological injuries inherent in injuries otherwise identified, or all manifestations of the injury alleged which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes that emotional and psychological injuries are asserted by Plaintiff in connection with any injury otherwise identified.

V. CAUSES OF ACTION ASSERTED

13. The following Causes of Action asserted in the *Master Complaint*, and the allegations with regard thereto, are adopted in this *Short Form Complaint* by reference (*check all that are adopted*):

| Asserted Against ² | Count Number | Cause of Action (CoA) |
|--|--------------|------------------------------------|
| <input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____ ³ | 1 | STRICT LIABILITY - DESIGN DEFECT |
| <input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____ | 2 | STRICT LIABILITY - FAILURE TO WARN |
| <input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____ | 3 | NEGLIGENCE - DESIGN |
| <input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____ | 4 | NEGLIGENCE – FAILURE TO WARN |
| <input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input checked="" type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____ | 5 | NEGLIGENCE |

² For purposes of this paragraph, “entity” means those defendants identified in Paragraph 7 (*e.g.*, “TikTok entities” means all TikTok defendants against which Plaintiff(s) is asserting claims).

³ Reference selected Other Defendants by the corresponding row number in the “Other Defendant(s)” chart above, in Question 7.

| | | | |
|----|---|----|---|
| 1 | <input checked="" type="checkbox"/> Meta entities | 6 | NEGLIGENT UNDERTAKING |
| 2 | <input checked="" type="checkbox"/> Snap entity | | |
| 3 | <input checked="" type="checkbox"/> TikTok entities | | |
| 4 | <input checked="" type="checkbox"/> Google entities | | |
| 5 | <input type="checkbox"/> Other Defendant(s) | | |
| 6 | ## | | |
| 7 | <input type="checkbox"/> Meta entities | 7 | VIOLETION OF UNFAIR TRADE |
| 8 | <input type="checkbox"/> Snap entity | | PRACTICES/CONSUMER PROTECTION LAWS |
| 9 | <input type="checkbox"/> TikTok entities | | <i>Identify Applicable State Statute(s):</i> _____ |
| 10 | <input type="checkbox"/> Google entities | | _____ |
| 11 | <input type="checkbox"/> Other Defendant(s) | | |
| 12 | ## | | |
| 13 | <input checked="" type="checkbox"/> Meta entities | 8 | FRAUDULENT CONCEALMENT AND |
| 14 | <input type="checkbox"/> Other Defendant(s) | | MISREPRESENTATION (Against Meta only) |
| 15 | ## | | |
| 16 | <input checked="" type="checkbox"/> Meta entities | 9 | NEGLIGENT CONCEALMENT AND |
| 17 | <input type="checkbox"/> Other Defendant(s) | | MISREPRESENTATION (Against Meta only) |
| 18 | ## | | |
| 19 | <input checked="" type="checkbox"/> Meta entities | 10 | NEGLIGENCE <i>PER SE</i> |
| 20 | <input checked="" type="checkbox"/> Snap entity | | |
| 21 | <input checked="" type="checkbox"/> TikTok entities | | |
| 22 | <input checked="" type="checkbox"/> Google entities | | |
| 23 | <input type="checkbox"/> Other Defendant(s) | | |
| 24 | ## | | |
| 25 | <input type="checkbox"/> Meta entities | 11 | VIOLETIONS OF 18 U.S.C. §§ 1595 and 1591 (Civil |
| 26 | <input type="checkbox"/> Snap entity | | Remedy for Sex trafficking of children or by force, |
| 27 | <input type="checkbox"/> TikTok entities | | fraud, or coercion) |
| 28 | <input type="checkbox"/> Google entities | | |
| | <input type="checkbox"/> Other Defendant(s) | | |
| | ## | | |
| | <input type="checkbox"/> Meta entities | 12 | VIOLETIONS OF 18 U.S.C. §§ 2255 and 2252 (Civil |
| | <input type="checkbox"/> Snap entity | | remedy Certain activities relating to material involving |
| | <input type="checkbox"/> TikTok entities | | the sexual exploitation of minors) |
| | <input type="checkbox"/> Google entities | | |
| | <input type="checkbox"/> Other Defendant(s) | | |
| | ## | | |
| | <input type="checkbox"/> Meta entities | 13 | VIOLETIONS OF 18 U.S.C. §§ 2252A(f), 1466A |
| | <input type="checkbox"/> Snap entity | | (Civil remedy for Certain activities relating to material |
| | <input type="checkbox"/> TikTok entities | | constituting or containing child pornography) |
| | <input type="checkbox"/> Google entities | | |
| | <input type="checkbox"/> Other Defendant(s) | | |
| | ## | | |

| | | | |
|----------------------|--|----|---|
| 1 2 3 4 | <input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## | 14 | VIOLETIONS OF 18 U.S.C. §§ 2255 and 2252A(5)(b) (Civil remedy for Certain activities relating to material constituting or containing child pornography) |
| 5 6 7 8 | <input checked="" type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## | 15 | VIOLETIONS OF 18 U.S.C. §§ 2258B and 2258A (Liability related to Reporting requirements of providers regarding online child sexual exploitation) |
| 9 10 11 | <input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## | 16 | WRONGFUL DEATH |
| 12 13 14 15 | <input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## | 17 | SURVIVAL ACTION |
| 16 17 18 19 | <input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## | 18 | LOSS OF CONSORTIUM AND SOCIETY |

VI. ADDITIONAL CAUSES OF ACTION

NOTE

If Plaintiff(s) wants to allege additional Cause(s) of Action other than those selected in paragraph 10, which are the Causes(s) of Action set forth in the *Master Complaint*, the facts supporting those additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

14. Plaintiff(s) assert(s) the following additional Causes of Action and supporting allegations against the following Defendants:

| |
|--|
| |
| |
| |
| |
| |

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such further relief that this Court deems equitable and just as set forth in the *Master Complaint*, and any additional relief to which Plaintiff(s) may be entitled.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

By signature below, Plaintiff's counsel hereby confirms their submission to the authority and jurisdiction of the United States District Court for the Northern District of California for oversight of counsel's duties under Federal Rule of Civil Procedure 11, including enforcement as necessary through sanctions and/or revocation of *pro hac vice* status.

/s/ Thomas P. Cartmell

Thomas P. Cartmell Pro Hac Vice

Jonathan P. Kieffer Pro Hac Vice

Lucy R. Davis

Wagstaff & Cartmell

Phone: (816)-701-1100

Fax: (816) 531-2372

Email: tcartmell@wcllp.com;

jpkieffer@wcllp.com;

ldavis@wcllp.com

Attorneys for Plaintiff